

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEPHEN W. BYERLY,)	CASE NO. 1:05CV 1095
)	
PETITIONER)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
JAMES HAVILAND, Warden,)	ORDER
)	
RESPONDENT.)	

This matter is before the Court upon Petitioner's untimely objection to the Magistrate's report and recommendation. (Dkt. # 25).

On June 6, 2005, this Court issued an order assigning this case to Magistrate Judge David S. Perelman for a report and recommendation. (Dkt. # 6). On September 21, 2005, Magistrate Judge Perelman issued a report and recommendation that Petitioner's petition be dismissed. (Dkt. # 14). As the Court received no objections to Magistrate Judge Perelman's report during the ten day period in which they were to be filed, this Court adopted the report and recommendation on October 13, 2005. (Dkt. # 15).

Petitioner thereafter filed a motion for reconsideration on October 20, 2005, (Dkt. # 17), which this Court granted on December 8, 2005 (Dkt. # 20). This Court then granted Petitioner's motion for an extension of time to file objections to the Magistrate's report. (Dkt. # 23). Again, Petitioner did not file any objections to the Magistrate's report within

the generous amount of time allotted by the Court. On February 7, 2006, the Court issued an order dismissing the petition. (Dkt. # 24).

Accordingly, the objections will not be considered and the above-captioned matter remains closed.

IT IS SO ORDERED.

/s/ Peter C. Economus - April 18, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE